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List of issues in relation to the combined third and fourth periodic reports of Indonesia

Addendum

Replies of Indonesia to the list of issues*

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Contents

	Paragraphs	*Page*
Part I		
Replies to the issues raised in paragraphs 1 to 15 of the list of issues (CRC/C/IDN/Q/3-4)	1–211	3
Part II		
Update of information presented in the combined third and fourth periodic reports	212–216	34
Part III		
Data, statistics and other information		37

Part I

Replies to the issues raised in paragraphs 1 to 15 of the list of issues (CRC/C/IDN/Q/3-4)

Reply to the issues raised in paragraph 1 of the list of issues

1. The Government acknowledges that there have been cases of by-laws which are not consistent with national laws or human rights principles. These are undesired by-product of the implementation of sub-national autonomy in Indonesia. Under decentralization system, local governments at provincial and municipality/city levels have the authority to issue local regulations, with the exception on foreign relations, defence, judiciary, monetary policy and fiscal, as well as religious affairs. Government considered such by-laws are legally invalid. In this regard, the Government continues to strengthen mechanisms to ensure their compliance with the national law.

2. As part of preventive measures, the Government continues to expand the implementation of capacity building programs in the form of regular trainings of trainers for legal drafters at provincial and municipality/city levels. Local implementing committees for National Action Plan for Human Rights also play crucial roles in sensitizing human rights norms and principles, particularly for legal drafters at provincial and municipalities/city levels.

3. The fifth edition of a practical guidebook of "Understanding the Making of Local Regulations" was published in November 2011, serving as a guideline for legal drafters at provincial and municipality/city levels in formulating by-laws according to Law No. 12 of 2011 on the Formulation of Law and Regulation, which also emphasizes the principles of human rights, gender equality, and sustainable development in legal drafting. Moreover, Joint Regulation of the Minister for Law and Human Rights and Minister for Home Affairs No. 20 of 2012 and No. 77 of 2012 on Human Rights Parameter for the formulation of by-laws also provides clear guidance in the lawmaking process.

4. Similarly, the Ministry of Women Empowerment and Child Protection, Ministry of Law and Human Rights and Ministry of Home Affairs published "Parameter for Gender Equality in the Making of Legislations" book in 2011. It serves as guidance for analysis on gender equality perspectives in various policies, legislations, development programs and other technical policies. This is one of the concrete steps in responding to reports on numerous by-laws containing gender-biased elements or considered as discriminatory towards women.

5. There are three methods for by-laws review to ensure their conformity with national laws and regulations: **first**, judicial review through the Supreme Court Law. The Supreme Court may accept, grant, or reject the petition after reviewing, among others, whether a bylaw contradicts national laws or whether the making of a bylaw was inconsistent with existing laws and regulations; **second,** legislative review through the House of Representative or the Local House of Representative. The parliament may amend and annul by-laws in conflict with national laws; and **third**, executive review by the Ministry of Home Affairs on draft by-laws before enactment as well as on existing by-laws which may lead to recommendation of their revocation if they are considered inconsistent with national laws and regulations. Revocation of by-laws should be done through a Presidential Regulation. Provincial or municipality/city governments may appeal to the Supreme Court should they have objections to such revocation. To support these efforts, starting this year, the Government is planning to hold 27 inter-ministerial coordination sessions this year to

review existing by-laws. Relevant civil societies have continuously participated and contributed to the review of by-laws.

6. It is important to note that most of those by-laws recommended to be revoked or cancelled were related to the economic, socio-cultural and development issues, such as by-laws on employment, tax, retribution, land, project permit, foreign workers permit and others. To date, the Ministry of Home Affairs has reviewed 3,000 by-laws in 2010, 9,000 in 2011, and 3,000 in 2012, while in 2013, 2,500 by-laws have been targeted to be subjects of further review. 407 recommendation letters were issued in 2010 and 351 in 2011, to be followed-up accordingly. In 2012, 173 by-laws were annulled, while in 2013, 779 by-laws were registered for further review and 46 by-laws were annulled.

7. Of all these problematic by-laws, some may be perceived to be discriminatory towards children. Based on the assessment of the Indonesian Child Protection Commission, those by-laws are not discriminatory, but its implementation may inadvertently hinder the full enjoyment of the rights of the child. For instance, there is a mayor's decree on the requirement for Muslims students to wear Islamic dress in schools. This policy is feared to urge the non-Muslim students to wear Islamic dress in order to easily get mingled and interact with the Muslim ones and such situation might be considered as impeding the full enjoyment of their right of education.

8. On the other hand, further study by the Commission found that many local governments in Indonesia have actually developed a legal protection framework for children through the issuance of by-laws. It found at least 23 by-laws at the provincial level that promote the protection of children.

9. Furthermore, many regions are currently in the process of drafting by-laws on Child Protection such as in Riau, South Sulawesi, and West Sulawesi. Ministry of Women Empowerment and Child Protection has implemented training program for 2013-2014 for sub-national government officers, including policy planners in integrating the Convention on the Rights of the Child (CRC) into local policies in 20 provinces. Some provinces may not issues specific by-laws on child protection, but they have already issued Governor Regulation, Mayor and Regent Regulations and Decrees relevant to Child Protection. It is worth mentioning that child-friendly city policy has encouraged sub-national governments to issue by-laws promoting the implementation of provisions in CRC.

Reply to the issues raised in paragraph 2 of the list of issues

10. The Government of Indonesia recognizes the cross-cutting nature of children issues and that the responsibility to fulfill the rights of children in all spheres is shared by all relevant Ministries/Institutions, as reflected within Indonesia's Long-term and Mid-term National Development Plan.

11. Pursuant to the Presidential Regulation No. 47 of 2009, the Ministry of Women Empowerment and Child Protection is mandated to strengthen, coordinate and synchronize government policies/programs on women and children issues that requires inter-sectoral cooperation. In this regards, the Ministry advocates and promotes integration of child perspectives in all areas and in each stage of development process, from planning, implementation, monitoring and evaluation at all level, by adhering to the principle of the best interest of the child.

12. The notion of children issues as a shared responsibility by all Ministries/Institution is also reflected in the Presidential Regulation No. 24 of 2010 on the Status, Responsibility and Function of Ministries as well as Organizational Structure, Responsibility and Function of First Echelon of the Ministries. This regulation further stipulated the establishment of units responsible for child issues under the organizational structure of various Ministries/Institutions. Another example of shared ownership by relevant Ministries on the

issue of children is in the annual commemoration of National Children Day, in which every year, Ministries took turn in hosting, organizing and funding the commemoration. The Ministry of Women Empowerment and Child Protection, however, has responsibility to promote policy coherence among relevant Ministries and Institutions on the issue of children.

13. Aside from horizontal coordination among Ministries, vertical coordination mechanism is also conducted between Ministry of Women Empowerment and Child Protection or other relevant Ministries with their sub-national subsidiaries, including in planning and ensuring budget allocation for child programs at the local level. For example, Ministry of Law and Human Rights has continued to integrate priorities on children in programs of the Regional/Local Action Plan on Human Rights. It also has local units dealing with children in order to expand coverage in the protection of children.

14. Furthermore, the development of Child Friendly Cities since 2006 by Ministry of Women Empowerment and Child Protection has also encourage sub national governments to step up their responsibilities including allocating budget to promote the right of the child at the local level. In relation with the objective to provide protection tc children, the establishment of Integrated Service Center for Women and Children in several provinces has given tremendous impact in resolving cases on violence against children. To coordinate all policies and programs among government institutions, the Ministry has issued Ministerial Decree on National Task Force on Children's Rights Fulfillment through Child Friendly City Development in 2013. In addition, the Ministry has also issued implementing tools, such as Child Friendly City policies and indicators, Guidance for Province, Guidance for Villages, Guidance for Monitoring and Reporting. The Ministry has facilitated the initiatives of Indonesian Association of Child Friendly Companies since 2011. This association has adopted Child Rights and Business Principles in their policies. To date, there are 21 members in this association.

Reply to the issues raised in paragraph 3 of the list of issues

15. According to Law No. 23 of 2002 on the Protection of Child, the mandate for Indonesian Child Protection Commission, among others, are to raise public awareness on laws and regulations related to the rights of the child, to conduct information and data collection, to receive complaints, monitoring and evaluation, as well as supervising the implementation on various laws relevant to the promotion and protection of the rights of children. The Commission also reports and provides recommendations and inputs to the President on matters related to the protection of children.

16. Although the law does not specifically provide the Commission with investigative mandates, it is not to be interpreted as limitation to how KPAI is discharging its mandate with regard to complaints it received. In many cases, it takes innovative measures in order to follow up public complaints, not just to forward them to related institutions with opinions and recommendations, but also to conduct investigation and mediating role.

17. From 2011–2013, the Commission have worked on 6,173 cases and complaints. It received 2,556 complaints, including through letters and emails. In addition, the Commission also monitors 3,617 cases and incidents in public considered to be violations on the right of the child. Cases and Complaints have been followed upon, in which some were resolved through mediation and advocacy, while other cases had to be referred to related institutions for follow-up as well as to the National Police for judicial process.

18. Indonesian Child Protection Commission also works and coordinates closely with relevant government institutions at all levels, such as Ministry of Law and Human Rights, Ministry of Social Affairs, Ministry of Education, and with non-governmental actors. The Commission can provide recommendations in the drafting of regulations and policies

related to children as well as in conducting corrective measures on policies that are in conflict with the best interest of the child. These partnerships are also helpful in term of extending its sphere of influence on the ground on daily basis. For example, under the National Action Plan on Human Rights coordinated by Ministry of Law and Human Rights, Indonesian Child Protection Commission involves in handling complaints received at the Locals Communication Service Unit at the provincial and cities/districts level. Through these units, it has greater access to monitor complaints especially related to child abuses, and helps address those complaints through mediation or provides recommendations on the best way to handle them, including if they have to be further investigated by law enforcement institutions.

19. Discussions are still underway with regard to strengthening the legal mandate of the Commission in investigation of reported violation of child's rights and the establishment of units at sub-national level within the context of proposed revision of Law No. 23 of 2002 on Child Protection.

Reply to the issues raised in paragraph 4 of the list of issues

20. At the outset, it is deemed important to state that the issue of disparity of the enjoyment of children's rights is more between regions, and less between urban and rural context. There are various causes of the disparity, namely different level of economic, social and development between regions, which may affect children access to health and education.

21. Closing disparity remains one of the national priorities and is done through a nation-wide effort to target the contributing factors. Considering that poverty is the main element of the issue of disparity, the government puts special effort in the eradication of poverty programs. For example, National Community Empowerment Program (PNPM) targets poverty both in urban and rural areas.

22. The program integrates various poverty eradication programs from all relevant Ministries/Institutions, both at the national and local level. It focuses on the development of infrastructure for housing, social and economic environment; the provision of financial facilities through revolving fund and micro-credit; the enhancement of the capacity of human resources; and the enhancement of the capacity of local government and community.

23. Many progresses have been achieved in its implementation. One of the indicators to monitor the progress is the number of villages that have benefited from the programs. PNPM-Rural is aimed to stimulate development in villages and throughout 2009-2012, has disbursed Community Direct Fund with the amount of IDR 33.7 trillion. In 2012, PNPM-Urban has been implemented in 10,900 villages, Village Infrastructure Development Program was implemented in 5,592 villages, Regional Socio-Economy Development has encompassed 237 sub-districts, and Community-Based Water and Sanitation Supply program was implemented in 2,312 villages.

24. One of the derivative programs of National Community Empowerment Program that aimed to improve access to education and health care of children in rural areas is "PNPM Mandiri Pedesaan Generasi". From the period of 2010-2013, the program has reached 3,732 villages in 369 sub-districts from 42 regencies/municipalities in 11 provinces. Its intervention was focused on how to assist children to finish their elementary and secondary school. The program has also assisted children with special need to be able to study in elementary and secondary school. With regard to the health sector, the program has placed an effort to increase the health of the mothers and babies on their first 1000 days of life, as well as to decrease the number of "stunting."

25. Another program targets children of remote *adat* communities, called 'Empowerment of Adat Community program. It assists the community to have access towards basic social services and needs. Until early 2014, the program has empowered 94,727 households. The examples of the format of the program are the establishment of the mini school, and the building of basic health care services center.

26. In addition, there are also programs called the Productive Business Economic – Collective Business Group, and the Social Rehabilitation of Inadequate House. The aim of the two programs is to enhance the ability of households in meeting their basic needs and housing. In the period of 2010-2013 in 33 provinces, 49,728 Collective Business Groups and 24,587 households have received the assistance respectively.

27. Alongside National Community Empowerment Program, there are other programs that aim to close the disparity between regions, specifically in the field of education. One example of the programs is the Scholarship for Poor Students in the Islamic Elementary School provided by the Ministry of Religious Affairs. In 2013, the Ministry has disbursed the scholarship to 2.8 million Islamic Elementary School students. Furthermore, in 2013, the Ministry has also enacted a policy to eliminate registration and tuition fee for poor students in the Islamic School at all level from elementary to high school.

28. With regards to the effort in reducing disparity between regions, Indonesia has also enacted Law No.6 of 2014 on Village. Article 71-75 of this Law ensures that national budget allocations that are allocated to the Provincial Governments are distributed to villages or Adat villages through their respective Municipality/City Governments.

29. In addressing the issue of discrimination based on gender, it is worth noting that according to a survey on Indonesia Democracy Index conducted by the United Nations Development Programme (UNDP), Indonesian statistics, BAPPENAS/National Development Planning Agency and the Ministry of Home Affairs in 2009, the performance of Indonesia in implementing non-discriminatory policies is relatively satisfactory at around 88.92 percent. The number is obtained through measuring three indicators, which are written rules that are discriminatory on the grounds of gender, ethnicity or against vulnerable groups; actions taken or statements made by regional government officers/officials which are discriminatory on the grounds of gender, ethnicity or against vulnerable groups; threats of violence or use of violence by people for reasons associated with the gender or ethnicity of the victim and/or vulnerable groups.

30. Within the national institutional frameworks, the promotion of non-discriminatory principles constitutes one of the important pillars of the mandates of the existing national institutions dealing with human rights issues namely, the National Commission on Human Rights which was established in 1993; the National Commission on Violence Against Women, which has existed since 1998; and the Indonesian Child Protection Commission, which was set up in 2002.

31. Efforts to guarantee non-discrimination against women and girls in policies and programs are being undertaken through gender mainstreaming program, which integrates gender issues into the process of planning, implementation, monitoring and evaluation of policies, programs and national development activities. In 2009, gender mainstreaming in education has been conducted in all provinces.

32. One of the notable progresses of the implementation of non-discrimination principle is in the field of education. According to the National Socio-Economic Survey, in term of school participation, girls have excelled as compared to boys in all age groups. For example, in 2012, School Participation Rate of girls between 7-12 years old is 98.17 percent, bigger than of boys in 97.95 percent.

33. Furthermore, in order to eliminate gender-based stereotype, early awareness raising program on gender equality is essential. Therefore, gender equality issues are taught in primary and secondary schools, including gender roles and violence against women, as part of subjects such as civic and character building, health, biology, sports, and religions. The Government also develops gender responsive teaching and learning materials. The Government also continues to remove gender-biased and stereotyped roles of women and men within the learning materials. For example, the teaching and learning materials include, among others, types of profession that can be pursued by women in the male dominated areas, such as engineering, science, army, construction, mining, etc.

34. Meanwhile, in the health sector, the Ministry of Health of the Republic of Indonesia has followed up by issuing a joint agreement with the State Minister of Women Empowerment and Child Protection to implement gender mainstreaming in the health sector through Letter of Joint Agreement No. 07/MEN.PP&PA/5/2010 and No. 593/MENKES/SKB/V/2010 on 12 May 2010.

35. Indonesia also considers that freedom of religion is the most basic human rights and fundamental to every human being. Indonesia views this right as inherent and must be respected, upheld, and protected by the State, the Government, and everyone, for the honor and protection of human dignity.

36. There is no policy which allows discriminatory treatment against children born out of wedlock, children belonging to the Ahmadiyah faith, Shia followers, Jehovah Witnesses, and Adat Traditional Community. The Government has initiated several steps to address cases of discrimination that arose and prevent the reoccurrence of such cases.

37. On the issue of a child born out of wedlock, the Constitutional Court Decision No. 46/PUU-VIII/2010 on 17 February 2012 revised the Article 43(1) of the Law No. 1/1974 on Marriage, has expanded the legal status of children "outside wedlock". The decision determined that children born out of wedlock will be acknowledged as legitimate child, and have the right for inheritance and right of civil relation with the biological parents.

38. With regard to resolving cases of reported discrimination against children belonging to the Ahmadiyah faith, Shia followers and Jehovah Witnesses, the Government continues to facilitate dialogue among communities with different religious backgrounds. It is aimed to prevent any act of discrimination takes place within the community, given the fact that some cases of discrimination caused by misunderstanding on others belief. Specifically, on the issue of the access to education and other services, the Government has emphasized all children have the right to obtain education, regardless of their religious background.

39. In 2002, the Government has registered Jehovah Witnesses as one of Christian religion's denominations; this provides Jehovah Witness an equal status with other Christian denomination.

40. There is no issue with regard to the discriminatory treatments against children belonging to any Adat Traditional Community.

Reply to the issues raised in paragraph 5 to the list of issues

41. The Indonesian Government is fully committed to ensuring the rights of a child to a name and acquires nationality, as stipulated in the Law No. 39 of 1999 on Human Rights, Law No. 23 of 2002 on Child Protection and Law No. 12 of 2006 on Citizenship. The Government is targeting all children aged 0-18 years old be registered and issued birth certificates by 2015 through the implementation of National Program for Indonesian Children 2006-2015.

42. According to National Socio-Economic Survey 2012, there were 28 percent of children who did not have birth certificates. Regardless, this was an increase from 2011 data which indicated that there were only 47.71 percent children whose parents could produce actual birth certificate document. This is due to the fact that since 2010, the Government has step up its efforts, among others, by issuing a Memorandum of Understanding between Eight Ministries (Ministry of Home Affairs, Ministry of Foreign Affairs, Ministry of Justice and Human Rights, Ministry of Health, Ministry of National Education, Ministry of Social Affairs, Ministry of Religion, and Ministry of Women Empowerment and Children Protection) on the Acceleration of Birth Certificate Ownership for Child Protection. A national forum consist of related stakeholders has been established in 2011 to coordinate policies and actions to implement the MoU.

43. Accordingly, related Ministries/Institutions have adopted measures to implement the MoU. For example, the Ministry of Health has issued a circular letter ordering all health professionals and health care facilities to provide information on the importance of birth certificate at the time of pregnancy examination and examination of the newborn (neonatal visits) as well as making a letter of birth.

44. Supreme Court has released a Circular Letter No. 06 of 2012 to provide guidelines on the issuance of birth certificate through court for late registration (over one year after birth). The measures aim to shorten bureaucracy and improve access and services particularly for poor people or people living in remote area through among others, mobile court service, collective birth certificate application and the provision of free birth certificate for poor people. Ministry of Home Affairs also issued another circular letter to governors and mayors/regents for the implementation of Supreme Court's Circular Letter, which instructed allocation of local budget to assist issuance of late registration birth certificate. In relation to this, many local governments adopted a policy to issue birth certificate free of charge. Until 2013, it was reported that 274 districts / cities, more than half of the total 497 districts / cities in Indonesia, has taken up this measure.

45. Meanwhile, the Ministry of Education Circular Note No. 279/MPK/KL/2012, regarding possession of birth certificate as one of the requirements for enrollment in schools, aimed to encourage parents, particularly of those children under-five entering early childhood education, to register the birth of their children. This provision should not in any way be intended as an impediment to the access of education for children.

46. The Government, through its Embassies and Consulates abroad, has enhanced services for Indonesian children, including children of Indonesian migrant workers, among others to ensure access for Indonesian children to obtaining birth certificate.

47. The Ministry of Women Empowerment and Child Protection has carried out advocacy programs, including by conferring awards to local governments as an appreciation for their efforts in accelerating birth certificates ownership for children since 2012.

48. On the issue of a child born out of wedlock, the Constitutional Court Decision No. 46/PUU-VIII/2010 on 17 February 2012, revised the Article 43(1) of the Law No. 1 of 1974 on Marriage, has expanded the legal status of children "outside wedlock". The decision determined that children born out of wedlock will be acknowledged as legitimate child and has the right of civil relation with the biological parents, which include issuance of birth certificate. Supreme Court further issued circular letter No. 7 of 2012 instructing courts at all level to implement this judicial decision.

49. To provide optimal birth registration services to displaced persons due to natural disasters and security conditions, Minister for Home Affairs issued Regulation No. 10 of 2005 on Guidelines for Data Collection and Provision of Substitute Certificate of Document Population for displaced persons and disaster victims in the Region that required

all local governments to provide replacement for the documents (including birth certificate) that lost during the disaster.

50. For asylum seekers and refugees in Indonesia, the Government, in cooperation with UNHCR and IOM, facilitates the issuance of proof of birth letter by hospitals upon the birth of their children. The Government recognizes the attestation letter issued by UNHCR.

51. The recently enacted Law No. 24 of 2014 on Civil Administration, has further streamlined bureaucracy and provided greater access to obtain all civil documents including birth certificate. Specifically related to question number 5, it is important to note that the new law stipulated that there are no administrative costs in the issuance of all civil documents, including birth certificate. The law also simplifies the requirement for children whose parents are not legally married or their marriage has not yet legalized in civil registry, to obtain birth certificate. Furthermore, the law also stipulates sanction to government officials who abuse their authority in relation to the issuance of civil documents.

52. The Government continues to improve the civil registration services in full conformity with non-discrimination principle. To this end, the new Law on Civil Administration also instructed civil registry officials at all levels to provide equal and professional services for all citizens without distinction, in obtaining civil documents, including birth certificates for children.

53. In line with this and to provide greater access to services, the Government has established civil registry offices in all 34 provinces with its civil registry implementing agencies in 399 regencies, 98 municipalities, 6,994 subdistricts, and 8,309 administrative villages and 72,944 villages across Indonesia.

Reply to the issues raised in paragraph 6 of the list of issues

54. After a series of cross-sectoral meetings, Indonesia's National Action Plan on the Prevention and Eradication of Violence against Children was issued by Ministry of Women Empowerment and Child Protection with Ministerial Regulation No. 2 of 2010. Since then, Ministry of Women Empowerment and Child Protection has issued Regulations to support the implementation of the Action Plan, such as: Ministerial Regulation No. 5 of 2010 on the Establishment and Development of Integrated Service Center, No. 5 of 2011 on the Guideline for the Handling of Violence against Children, and No. 6 of 2011 on the Guidance on the Prevention of Violence against Children in Family, Community and Education Institutions.

55. The Action Plan encompasses 5 (five) programs, which are:

(a) Programs to prevent violence and promote participation of children in the prevention efforts, with Ministry of Education and Culture as leading institution, which include programs on Communication, Information and Education, formulation of prevention policy, improvement of child participation, and trainings.

(b) Programs on health rehabilitation, with Ministry of Health as leading institution, which include trainings to health workers, providing guideline for the eradication of violence and addressing children victims of violence, as well as documenting and reporting on victims of violence who have received health treatment.

(c) Programs on social rehabilitation, reunification and reintegration, with Ministry of Social Affairs as leading institution, which include promoting the role of community and family in the process of recovery and reintegration, as well as the implementation of integrated service to children victims of violence.

(d) Program on norm-setting and law enforcement conducted by Ministry of Law and Human Rights, which include formulation of policy on addressing children victims of violence by law enforcement officers and law enforcement.

(e) Programs on coordination and participation of relevant Ministries and Institutions, with Ministry of Women Empowerment and Child Protection as the leading institution, which include the formulation of coordinating mechanism on the prevention and elimination of violence against children.

56. Various programs are also implemented by Ministries/Institutions to support this Action Plan, for example: Ministry of Health, in providing health care/treatment to victim of violence, including for children, requires each Municipality/City to have at least 2 (two) Community Health Center which has the ability to address cases of violence against women and children as well as Integrated Service Center in hospitals. Currently, Ministry of Health is drafting guideline for medical officers in providing special protection to newborns, guideline in addressing violence against children for health workers and compulsory reporting for health workers who handle cases of violence against children.

57. National Police and Ministry of Women Empowerment and Child Protection have agreed on a Memorandum of Understanding No. 26/MPP-PA/D-III/07/2011 on Gender Mainstreaming and the Fulfillment of the Right of the Child and Improvement of Services for Women and Children Victims of Violence. The Ministry also assists the National Police in integrating the issues of gender and protection of children into the curricula of Police Academy. The Ministry also set up complaint response units since 2010 to assist, mediate and facilitate victims of violence especially women and children.

58. The Action Plan provides guideline for local governments to formulate their own Regional Action Plan. In this regard, Ministry of Women Empowerment and Child Protection facilitates sub-national governments in the development of their action plan. Recently, Jogjakarta has issued Provincial Action Plan on the Protection of Women and Children Victims of Violence for the Period of 2013-2017 through Governor Regulation No. 34 of 2013.

59. Furthermore, the implementation of National Action Plan on the Prevention and Eradication of Violence against Children also works in tandem with efforts to eradicate trafficking in persons.

60. The Government of Indonesia is fully committed to support the global effort in the promotion and protection of women and girls from all forms of discrimination and violence in various situations. During the "High Level Event to Declare a Global Commitment to End Sexual Violence in Conflict" held during the 68th Session of General Assembly, Indonesia is one of the champion countries, along with other participating governments have adopted the Preventing Sexual Violence Declaration. Ministry of Women Empowerment and Child Protection together with Ministry of Social Affairs and Ministry of Information and Technology, have officially launched a National Campaign to End Violence against Children in November 2013.

61. Ministry of Health has launched a violence prevention and awareness raising program through the establishment of peer counselor, and discussion in schools. National Police, as part of its implementation of the National Action Plan on Human Rights, also promotes non-violence behavior, enhances prevention efforts, and ensures criminalization of child abuse, as well as provides special services for women and girls in police station.

62. The Government already made an effort to ensure that laws and regulations will conform to the principle of the best interest of the child. This include putting in place a guideline in drafting laws and regulations as well as reviewing process, which has already

mentioned before in the explanation for the question Number 1 (one) on discriminative by-laws.

63. A notable progress in the protection of children is the issuance of Law No. 11 of 2012 on children in conflict with the law, which will be elaborate further in the explanation for the question Number 15 (fifteen).

64. However, it is important to point out that in relation to concern on violence against children in conflict with law, an integrated module for the protection and handling of children in conflict with the law by law enforcement officers and related institutions has been issued as implementing tool of Law No. 11 of 2012. There are also child-friendly detention units, society-based education, counseling corner, and educational house for children in conflict with the law. National Police issued Standard Operational Procedure on children in conflict with the law and disseminated this SOP to more than 2500 officer in detective and criminal units, Head of Police Sectors, investigators for women and child crime, and other related unit in 2012-2013. There is also a Special Development of Education for officers that already mainstreamed the Laws and management regarding the women and child on its curriculum and gender related issues since 2003-2013 with total 660 officers.

65. Regarding efforts to address violence in private space, one of the key legislations is Law No. 23 of 2004 on Domestic Violence, which has provided stronger legal basis for the Government's efforts in combating violence against women and children, especially domestic violence.

66. This law has been followed upon through various measures to support the implementation by various Ministries/Institutions, including guidelines for minimum standards of services to victims of violence, Indonesian Police Chief Regulation No. 10 of 2007 on Organization and Working Procedure of Women and Children Service Unit in the Police Force and Indonesian Police Chief Regulation No. 3 of 2008 on the Establishment of Special Service Room, as well as Ministry of Health Regulation in 2009 on Guidance on Integrated Services to Victim of Women and Child Abused for Hospital provides guideline and steps of treatment to victim of child abuse.

67. To this end, the Government has established an Integrated Services Center for Women and Children in each province of several districts and municipalities in Indonesia. The Ministry of Women Empowerment and Child Protection then issued Ministerial Decree number 1 of 2010 on Minimum Services Standard on Integrated Services for Women and Children Victims of Violence. Up to 2013, there were 242 units of Integrated Service Center for Women and Children, a significant increase from 191 in 2012. Meanwhile, the number of Women and Children Service Unit in Police stations has increased also to be 456 from 306 in 2011. Also, Head of National Police with Minister of Women Empowerment and Child Protection, Minister of Health and Minister of Social Affairs has issued joint decree on Establishment of Integrated Service Centre in Hospitals, particularly of Police-based Hospital that provides the service center (which include programs such as counseling, medical treatment, and advocacy) for women and girls that become victim of violence. Service units that also handle cases of violence against women and children have been made available in 1,060 hospitals in 33 provinces and 218 municipalities/districts.

68. In addressing the issue of violence against children by their parents or member of family, National Population and Family Planning Agency (BKKBN) issued a module for parents in raising children as a prevention on child abuse from their parents, through capacity building and awareness raising programs. Ministry of Social Affairs also has a program called Family Welfare Consultation Agency that becomes center link to handle the psychosocial problem in families by providing information, consultation, counseling, advocacy and reference to help the families in conducting their duty to raise the children. In

2013, there was 637 Consultation Agencies consisting of 1 Agency in Ministry of Social Affair, 1 in Bandung, 485 in Municipals/Cities, and 150 Society-based Family Welfare Consultation Agencies.

69. On the issue of violence in public space, the Government increases measures of prevention through formulation of regulation, advocacy and awareness-raising programs.

70. Regarding corporal punishment, there are indeed reported cases in this issue in schools. However there is no indication of corporal punishment as a widespread practice. Moreover, it is usually happened due to lack of understanding from individual teachers, which is not condoned by schools. Schools, with the participation of Civil Society have provided an awareness-raising for teachers to stop this practice. School counselors and forums of teacher-parent at schools are also instrumental in monitoring and preventing such cases from happening. The development of child-friendly schools could act as another preventive measure to avoid the occurrence of violence.

71. One of the key strategies in addressing and mediating cases of violence both in private and public space, is by involving the participation of children. There are a number of case studies that show the participation of children on the regulation making process could reduce the incidents of violence. One of the examples is in SMA 3 Malang, where students are being involved in school regulation-making process. This ensures their better compliance with school regulation.

72. Another example is the dialogue of student with City Mayors, such as Mayor of Malang, with regard to issues related to their well-being. One of the issues that are being raised is ways to prevent punishment for being late to school that caused by traffic and limited public transportation option during rush hour in the morning. The dialogue resulted with the adjustment of office hours of government officers and effort to provide school buses, allowing children to easily access public transportation during rush hour. 5 (five) Local Parliaments in Yogyakarta province and municipal, Kampar, Province of East Borneo and Balikpapan has allocated their budget on hearing session with children.

73. Protection of children through public health centers is also promoted by Ministry of Health Decree No. 1226/Menkes/SK/XII/2009 regarding the obligation of health and medical officers to report to the police whenever they receive children suspected of being victims of abuse/violence, because in many cases the children are afraid to report the violence themselves.

74. Ministry of Health also implemented program of health services to children in detention and social institutions as well as monitored 7 (seven) child detention institutions where children are not placed in different blocks and separate rooms from adult prisoners and detainees. Ministry of Health regularly monitors the detention institution's clinic to ensure the health status of the children in detention. In addition, Community Health Centers are encouraged to expand their service coverage to detention centers, orphanages, and social institutions in their area; this includes referral system to hospitals and other health centers for children in detention who require further medical attention.

75. With regards to street children, in 2013, Indonesian Child Protection Commission has monitored the situation of street children and followed up with conducting Focus Group Discussion in Jakarta, Bogor, Depok, and Tangerang. From the monitoring and discussion, most of the street children in big cities in West Java provinces are migrants from other provinces. A repatriation program, conducted through cooperation between Ministries and its subsidiaries at the local level, return children who still have parents to their family and provide their families with incentives to improve their economic situation.

76. Regarding Law on Pornography, this particular Law was viewed by some groups as having potential to undermine the respect of many cultures and customs which are very

diverse in Indonesia. Possible different interpretation of the Law may undermine the existing space for creativity in the fields of arts that relates to freedom of expression.

77. This Law, however, has been recognized as a useful instrument to combat pornography, especially child pornography. In fact, the Pornography Law had been subjected to a judicial review in 2010, and decided by Constitutional Court that it is neither unconstitutional nor discriminating against certain profession or culture. Nevertheless, the Constitutional Court refers the law to the Parliament for further review in light of views and aspirations expressed by many groups of society.

78. On the effort to implement this Law, the Government has established a Task Force on the Prevention and Addressing of Pornography through Presidential Regulation Number 25 of 2012. The Task Force consists of various Ministries and relevant institutions and mandated to coordinate actions to prevent pornography as well as monitoring and evaluation of such actions. In December 2013, it has conducted the first national coordination meeting and successfully adopted 9 (nine) recommendations, which are:

(a) Draft the Guideline for the Task Force;

(b) Establish sub-national Task Forces at the Provincial, Municipality, and City Level;

(c) Disseminate regulation related to the prevention of and on addressing pornography;

(d) Support the issuance of bylaws on preventing the distribution of pornography online and public displays;

(e) Promote values, character building, and family resilience to prevent and address pornography;

(f) Support the establishment of forums and other coordinating networks to prevent and address pornography;

(g) Formulate communication, information and education media to prevent and address pornography;

(h) Formulate an operational standard to address, protect and recover children who become perpetrators or victims of pornography;

(i) Encourage law enforcement officers to address cases on pornography in accordance with the law and the best interest of the child.

79. To end the phenomenon of sexual and economic exploitation, legal protection through the ratification of optional protocol of CRC on the sale of children, child prostitution and pornography and the issuance of Regulation of Coordinating Minister for People's Welfare No. 25 of 2009 on the National Action Plan on the Prevention and Eradication of Trafficking in Person and Sexual Exploitation against Children (2009-2014); as well as the Regulation of Minister of Culture and Tourism No. · PM. 30/HK.201/MKP/2010 on Guidelines in the Prevention of Sexual Exploitation against Children in tourism area, continues to be strengthened. The Government issued Decree No. 40 of 2011 on Counselling, Mentoring and Rehabilitation of Children Victims and Perpetrators of Pornography.

80. Moreover, Regulation of Minister of Women Empowerment and Child Protection No. 08 of 2012 on the Guidelines for the Strengthening of Community Based Group (Dasawisma Group) in the Early Prevention of Sexual Exploitation against Children has been issued, aiming at strengthening community participation as the main network and forefront for early prevention and elimination of sexual exploitation against children. Educating the public on a proper communication and information sharing through internet

and strengthening cooperation with other relevant stakeholders by conducting seminars and public campaigns on the eradication of sexual exploitation against children are also part of the agenda.

Reply to the issues raised in paragraph 7 of the list of issues

81. Indonesia has always been a strong supporter to the efforts to combat all forms of violence against women and girls as reflected during the discussions within Commission on Status of Women (CSW) and Interactive Dialog with the Committee on the Elimination of All Forms of Discrimination against Women. As a follow-up to the dialogue and in line with its international commitments, the Government increases its effort in addressing harmful practices against women and girls.

82. On FGM, particularly in relations to the Ministry of Health Regulation No. 1636 of 2010 on Female Circumcision, Government initiated discussions with relevant stakeholders including academicians, religious institutions, healthcare institutions and NGOs on the matter. In 2013, a cross-sectoral team was established at the national level on the issue of FGM in Indonesia. The aim of the Team is to develop common perception towards the issue of FGM with a view to addressing the prevalence of this practice in Indonesia.

83. The team is tasked to review existing data on FGM and study on the harmful effects of the practice of female circumcision in Indonesia; review the Ministry of Health regulation No. 1636 of 2010 to ensure its compliance with the existing international commitments inter alia CEDAW and CRC; provide evidence-based recommendation on measures to address FGM and ensure the adoption and implementation of the recommendations; conduct dissemination of information and awareness-raising campaign on FGM; facilitate a series of national dialogue and consultation on the issue of FGM between all related stakeholders.

84. From this process, on 6 February 2014, the Ministry of Health issued Regulation No. 6 of 2014 to revoke the Regulation No. 1636 of 2010 and delegates the matter related to female circumcision to Majelis Pertimbangan Kesehatan dan Syara' (an advisory board consists of medical practitioners and religious experts that provides forum for consultations to develop recommendations on various health matters that intersect with religious laws). The new regulation also requests the Board to develop guidelines to ensure health and safety female circumcision in practice and to stop Female Genital Mutilation.

85. Learning from the past experience that legal intervention may create setback in the effort to protect women and girls, Government will continue to conduct advocacy and raise awareness program on FGM, including the harmful effects of FGM on reproductive health of women. In addition, the Government is developing a methodology and instrument for conducting surveys on violence against women in 2014 and violence against children in 2013 which cover, among others, the practice of female circumcision of women and girls.

86. With regard to the question on early marriage, according to National Socio-Economic Survey 2012, the percentage of girls who are married for the first time is 11.13 percent for girls under 15, 32.10 percent for girls between 16-18 years old and 56.76 percent for women of 19 years and above. Furthermore, in urban area, percentage of girls who are already married is 8.5 percent for girls under 15 years old, and 28.92 percent for girls between 16-18 years old, and 65.58 percent for women of 19 years and above. In rural area, percentage of girls who are already married is 13.61 percent for girls under 15 years old, and 37.91 percent for girls between 16 -18 years old, and 48.48 percent for women of 19 years and above.

87. Ministry of Religious Affairs has conducted a study on the implementation of Marriage Law to obtain a better understanding on early marriage and unregistered marriage as well as to identify steps to be taken by the Ministry to address both issues. The study is

conducted in 7 (seven) Provinces that indicated to have incidents of early marriage and unregistered marriage, in cooperation with local NGOs.

88. There are several factors that may contribute to the existence of early marriage, among others, economy, social and cultural factors. Economic reasons, including poverty, remains as main contributor. There is an ongoing practice of marrying off girls to lessen the economical burden of the family or even to improve their economy or social status. Social factors, some parts of the community, in which parents and community leaders still believe that expediting marriage will protect the honor of the girls, including in cases of teen pregnancies outside marriage, and to avoid stigma as "spinsters", the low educational level of parents/guardians and awareness on the psychological and social impact and the risks of pregnancy at younger age on mothers and babies. And culturally, some regions, particularly those in remote areas, have the customary practice of "eloping". However, it is important to note that this study also highlighted that most of the communities are against early marriage, as it impedes children in pursuing higher education as well as the fact that such marriage is vulnerable for conflicts and separation.

89. To address this issue, various Ministries and government institution has taken the necessary steps to reduce the number of early marriage of both boys and girls, by targeting contributing factors and improving safeguard for the children.

90. Ministry of Health, for example, has conducted campaigns to improve awareness on health risks that may be faced by mother and children of early pregnancies, such as stunting for children as well as lowering fertility and higher risk of mortality for mothers.

91. Ministry of Women Empowerment and Child Protection issued Ministerial Decree No. 6 of 2013 on the Implementation of Family Development which incorporates early marriage indicator as one of child friendly city development indicators.

92. Ministry of Education and Culture, with its 12 years free and compulsory education program, is aiming to improve the retention level of boys and girls in schools thus ensuring that they will not get married before the mature age. There is also "Retrieval Remedial" program for prevention of early marriage and dropouts children that allow them to continue their schooling.

93. Another program is Planned Generation. The program is established by National Population and Family Planning Agency with the objective to not only reducing the number of early marriage but also improving the capacity as well as the quality of education for the young generation. Further, the Agency also creates "Pendewasaan Usia Pernikahan" program, which main objective is to delay marriage, at least until 20 year for women and 25 year for men. In cases where couples are married below the required age, this program aims to delay the first pregnancy.

94. Religious Affairs Office, which is tasked by Ministry of Religious Affairs in officiating marriage, is instructed to reject marriage registration for those below legal marriage age.

95. The Government also realizes that early marriage on girls and boys is heavily influenced by the role of parents. Therefore, Government also targets parents for education or awareness-raising programs with regard to age of marriage and the importance to postpone marriage until the children are physically and emotionally ready. These programs are conducted across Ministries/Institutions as well.

96. On polygamy and its relation to the protection of the right of the child, Indonesia stresses the importance of protecting the rights of women and children within the family in its national legal frameworks. Law No. 1 of 1974 on Marriage basically upholds the monogamy principle, whereby a husband can only have one wife, and vice versa. A

polygamous marriage is an exception of which the Law has put some strict requirements to be followed, with the intention to protect the rights of wives and children of this marriage.

Reply to the issues raised in paragraph 8 of the list of issues

97. The National Family Planning Program (Family Planning, Planned Parenthood) as referred in Paragraph 83 of the Report is a program managed and coordinated by National Population and Family Planning Agency. It aims to control births and promote longer pregnancy intervals through the use of contraception. This program was officially initiated in 1970s and has the mission to achieve the ideal development of population, which in turn would accelerate national economic growth and achieve development goals. Overall, it aims to achieve a well-balanced population growth through the promotion of "small, happy, prosperous family", where couples are encouraged to have 2 children through the use of contraception and a diligent family planning, by taking into account family's economic capabilities. The program also aims to provide sufficient health needs particularly for women and children, quality and accessible contraception, and to reduce infant and maternal mortality rate, and address reproductive health issues.

98. In achieving its mission, The Agency conducts harmonization on population control policies; determine population parameters, increase in the supply and quantity of data and information analysis; carries out population control in the population development and family planning, and encourage participation of all stakeholders and partners in the implementation of national family program, including in the preparation of parenthood for youth, fulfillment of reproduction rights, and improvement of resilience and prosperity of families that are participating in the family planning program.

99. In reference to the question, the Government has developed various efforts to increase the awareness and independence of young couples, recipients of the family planning program, families, communities, as well as increase skills of family planning field officer to support the improvement of mothers and children health through guidance books, contraception subsidies, counselling and family planning services.

100. In implementing its programs and initiatives as well as to ensure grass root reach, as of 2013, the National Population and Family Planning Agency is supported by 12 subsidiary offices.

101. The National Family Planning Program also contributes in reducing the number of children placed in institutions and tackling the phenomenon of poor families sending their children to institutions due to shortage of means. This Program encourages families to plan the number of children according to their economic abilities in order to ensure the full enjoyment of the rights of their children, including the right to health and education.

102. Other measures taken by the Government which has impacted the efforts to reduce the number of children placed in institutions is its efforts to encourage growth of the society (pro growth), creation of job opportunities (pro job) and poverty reduction (pro poor). These programs aim to promote the economic resilience of poor families.

103. The National Medium Term Development Plan of 2004-2009 had established three economic development strategies, which are pro growth, pro jobs, and pro poor. Through pro growth strategy, growths with equity have been achieved in line with economic acceleration. These strategies have given a proper development framework and concrete target. The main target of the National Medium Term Development Plan of 2010-2014 is to decrease the open unemployment percentage to 5-6 per cent by the end of 2014. Furthermore, the national action plan to eradicate poverty is expected to reduce national poverty rate to 8-10 per cent by 2014.

104. The national priority to reduce poverty is conducted through 2 main policies, namely provision of productive employments and affirmative actions, which consist of 3 clusters:

(a) Strengthening social service and protection, through National Social Security System including National health security programme (Jamkesmas), Family Hope Program, Direct Cash Assistance Program; School Operational Assistance; and Scholarships for Poor Children;

(b) Empowering communities to support the acceleration of poverty reduction through National Program for Community Self-Empowerment (PNPM Mandiri);

(c) Providing more facilities to improve the capacities of Small and Medium Enterprises and cooperatives through entrepreneurship and the reinforcement of business management capacities, the provision of information service and business consultation, and the expansion of People-Based Small Business Loan Program.

105. A National Team led by the Indonesian Vice President monitors the implementation of the mentioned plans and strategy, as stipulated in Presidential Regulation No. 15 of 2010 on the Acceleration of Poverty Reduction. This team consists of related technical ministries, including the Coordinating Minister for People's Welfare, Coordinating Minister for Economic Affairs, Minister of Health, Minister of Education, Minister of Social Affairs, Minister of Finance, Minister of Cooperatives and Small and Medium Enterprises and Minister of National Development Planning/Chief of the National Development Planning Agency.

106. These efforts are supported by the improvement of the capacities and functions of various technical ministries and government offices at the national level, as well as the coordination of implementation in all provinces and municipalities/districts by the Coordinating Team for Poverty Reduction. These integrated efforts also involve private partnerships through CSR and other forms of funding such as *zakat* (the giving of a fixed portion of one's wealth to charity in Islamic tradition) and *infaq* and *sodaqoh* (donations). In addition, the team also conducts local capacity buildings, policy and fiscal instruments revisions, as well as updating targeted households in the poverty reduction programmes every three years.

107. The Government of Indonesia is implementing policies and programmes on poverty reduction that prioritize the poor and marginalized, including rural population, and urban slum dwellers. The policies and programmes also prioritize women and children. Such prioritization is necessary to fulfill basic needs and provide greater access to development benefits for vulnerable and marginalized society and hence would provide economic resilience to families in caring and fulfilling the needs of their children.

108. The Ministry of Social Affairs, have also issued the National Care Standard for Children in 2011, which aims to ensure the child to receive adequate care from their families, promote family support system, and standards for child care institutions, and support family-based alternative care through foster care, guardians, and adoption.

109. In the effort to decrease the number of children in institutions and provide guidance for children that are not placed in institutions, the Ministry of Social Affairs has established the Social Program for Children's Welfare. In 2009, it had successfully assisted 1,375 homeless children and provided them with savings. The launching of national movement to rescue children is intended to reduce the number of children who are economically exploited, abused and neglected. In 2010, IDR 251 Billion were allocated to the fulfillment of basic necessities, social services accessibility, strengthening parents responsibility, and the role of social institutions for neglected toddlers. The Fund has been used to help 1,405 toddlers, 135,014 neglected children, 6,173 homeless children, 430 children in conflict with the law, 2,041 children with disability; and 2,258 children with

special needs. The program also provides social assistance by professional social service workers and conditional cash transfers to the above mentioned children.

110. The Government issued Ministry of Social Affairs Regulation No. 30/HUK/2011 on National Standard for Child Care, and conducted activities to disseminate the Standard, as follows:

(a) Pilot Project on the implementation of National Standard for Child Care in 6 child care institutions in Bandung, West Java and Sleman, Yogyakarta;

(b) Dissemination and training program on the Standard to 17 provinces in 2013;

(c) Accreditation to Social Welfare Institutions for Children by the Institution Accreditation Body to ensure the credibility of the Social Welfare Institutions and discourage the existence of sham institutions. In 2013, there are already 60 accredited Social Welfare Institutions;

(d) Assessment on the Best Child Care Institution which have implemented the Standard;

(e) Implementation of "National Standard for Child Care by Child Care Institutions Week" in 2013 which encourage Child Care Institutions to harmonize its activities according to the guidelines. There are 12 Child Care Institutions from West Java, Jogjakarta, East Java and Lampung that have implemented National Standard for Child Care.

111. After two years, these activities have successfully provided significant knowledge and best practices on the implementation of the Standard by child care institutions. To broaden the knowledge and understanding on its implementation, further integration process in the activities of child care institutions is needed.

112. In addition, the Ministry of Women Empowerment and Child Protection has included in its 2014 program, the development of tools to monitor the fulfillment of children's rights in Alternative Care Institutions.

Reply to the issues raised in paragraph 9 of the list of issues

113. The event of September 1999 which led the separation of Timor-Leste from Indonesia, had forced thousands of families to flee from their homes. Atambua, in East Nusa Tenggara of Indonesia as the closest town from Timor-Leste, hosted most of the East Timorese refugees. During their stay in the refugee camps in Atambua, they were provided with financial assistance by the Government of Indonesia. Their children were given access to schools, while their parents were given monthly assistance to support their living. They were given choice to either return to Timor Leste or continue to live in Indonesia, through determination process carried out by UNHCR and facilitated by Government of Indonesia.

114. On the issue of repatriation, until 2002, the Government of Indonesia had gradually repatriated those who choose to return to Timor Leste through Funded Repatriation Program, in which each household received IDR 750,000 as a transportation cost to their homes in Timor Leste. This program succeeded in repatriating 15,852 households or around 47,413 people in total. Apart from repatriation program, 3,900 households or around 20,000 people have been relocated to various resettlement locations in Indonesia and around 422 of them joined the transmigration programs. This program ensures that family unity during repatriation, relocation and resettlement process was given priority. This Funded Repatriation Program ended in August 2002.

115. However, the Government worked together with international organizations, NGOs, and particularly the Government of Timor Leste to continue repatriation programs for families back to Timor Leste. In this regard, a joint effort by the Government of Indonesia

and UNHCR was taken as well to reunite separated children with their families. This cooperation had solved more than 4,400 cases of separated children from Timor Leste through the reunification with their parents in 2004 by upholding the principle of the best interest of the child. In the end of 2004, there were 140 outstanding cases identified to be resolved by both governments.

116. Later on, the Government of Indonesia and Timor Leste established a Commission of Truth and Friendship in 14 December 2004. The Commission is the first and unprecedented bilateral mechanism which aimed at finding the truth and solving residual issues, including separate children from Timor-Leste, with reconciliatory and forward-looking mindset. It started their work in August 2005 and finished in July 2008. It submitted its report to the President of Indonesia and the President of Timor Leste with a set of recommendation.

117. As part of the implementation of the Commission recommendations, the Government of Indonesia and Timor-Leste conducted facilitation for reunification of children and visitation program for parents of children who have decided to live in Indonesia and become an Indonesian citizen. Under its Framework, both governments had also been implementing programs to facilitate family reunions for Indonesians of Timor-Leste origin who were separated from their family during their childhood, even before the 1999 event.

118. Until 2013, some family reunions were facilitated by both governments under the Commission's Framework. Local governments in Indonesia that hosted children of Timor-Leste origin have extended their full cooperation in this program. For example, in 2008, the provincial government of Jogjakarta and Gunung Kidul and Kulonprogo Municipalities approached several social institutions which provide care for children from Timor Leste, among others:

(a) Gembala Taman Bina Anak Bangsa, a social institution in Gunung Kidul had reunited 22 children with their parents in the settlement at East Nusa Tenggara;

(b) Brayat Pinuji Boro orphanage in Kulonprogo had reunited 2 (two) children with their parents in Timor-Leste;

(c) Sancta Maria Boro orphanage in Kulonprogo had reunited 1 (one) child with his parents.

Reply to the issues raised in paragraph 10 of the list of issues

119. The Government has implemented National Action Plan on Persons with Disabilities 2004-2013 with the purpose of integrating disability issues within the national development agenda. The formulation of Action Plan was based upon "Biwako Millennium Framework for Action and the Biwako Plus Five towards an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific". It was also supported by various national laws and regulations that contain provisions on ensuring the well-being and development of children with disabilities in the respective areas, such as: Law No. 23 of 2002 on Child Protection, Law on National Education No. 20 of 2004, Law on Health No. 36 of 2009, Law on Social Welfare No. 11 of 2009 and Minister of Education and Culture Regulation No. 70 of 2009 on Inclusive Education. On 18 October 2011, Indonesia ratified the Convention on the Rights of Persons with Disabilities through the enactment of Law No. 19 of 2011.

120. On education for children with disabilities, the Government ensures that schools are accessible and inclusive through the implementation of the Inclusive Education as mandated in the Minister of Education and Culture Regulation No. 70 of 2009. 10 municipalities/cities and 1 (one) province have become the pioneer of inclusive school

(Rembang, Payakumbuh, Kuningan, Central Lombok, Pidie, Kulon Progo, Boyolali, Salatiga, Karimun, and South Kalimantan).

121. Inclusive education is implemented in all stages, from early childhood education (around 60 institutions in 2013), to elementary and secondary education (1,776 elementary and middle schools in 2012). There is also a Free Homeschooling program in East Java and Northern Jakarta for children with specific disability.

122. Until 2010, the Nett Participation Rate of children with special needs in basic education is around 30 percent. Therefore, programs such as scholarship and technical assistance for schools are put in place in order to provide education services to the other 70 percent of children with special needs. For example, Ministry of Education and Culture has provided incentives for early childhood education institutions that also cater to children with disabilities. This program continues in 2014.

123. On health, the Government is committed to provide sufficient early detection service and establish referral system for early intervention for disabled infants and children in every healthcare in the country. Ministry of Health has developed Congenital Hypothyroid Screening in 14 Provinces to prevent disabilities caused by Congenital Hypothyroidism and will be replicated in all other provinces in the future. To further prevent disability among infant and children, Ministry of Health also grants a free regular immunization program, including Iodium and Vitamin A for infant and children that is given in community-based health care service in rural and urban area.

124. In general, children with disability have an equal right to access health services, including immunization and reproductive health programs. Regarding the latter, Ministry of Social Affairs and Ministry of Health have provided reproductive health information for children with disabilities, both in social institutions and in the society, to protect them from sexual exploitation. Referral to hospital as well as counseling program for parents is also being developed. Furthermore, local government, such as Jogjakarta, has issued specific regulation on health insurance system for persons with disabilities.

125. In collaboration with NGO, and other community-based agencies, the Government promotes a public awareness campaign to families and communities, including to health workers in rural area regarding the issue. For instance, Ministry of Health, Ministry of Domestic Affairs, Ministry of Social, and Ministry of Education have established a Community-Based Rehabilitation program targeted to educate officers in 16 provinces in disseminating early detection and early intervention to relevant stakeholders at large.

126. On Social Protection, specific measures in advancing the rights of children with disabilities have been implemented through Children Social Welfare Program for 2010-2014. At present, around 5,143 children with disabilities (562 boys and 2,581 girls) have benefited from this program, which is focused on neglected children with disabilities. Moreover, Family Hope Program also includes children with disabilities as one of its assistance recipients.

127. Indonesia is also of the view that parents play extremely crucial roles in ensuring the wellbeing of the children, including those with disabilities. The program also focuses on the information and community education, as well as the strengthening of family resilience in ensuring the children's welfare. In line to this, 167 Communication Forums for parents with disabled children have also been established in 28 provinces as a way of raising awareness and building a new paradigm toward the promotion and protection of the rights of persons with disabilities, especially for children. There are also thematic disability forums for parents of children with specific disability, such as PORTAS (Children with Down Syndrome) and Portunda (Children with Physical Disability).

128. To align with CRPD, the Government is harmonizing various legislation and policies as well as developing disability friendly programs. This includes an ongoing process taking place in the Indonesian Parliament to revise 1997 law on persons with disabilities. Furthermore, in partnership with civil society and disability related organizations, the Government has encouraged and assisted the establishment of 19 Organizations of Persons with Disability at national level and Association of Parents of Children with Disability in 33 provinces in order to protect and promote the rights of children with disability. The Government of Indonesia is currently preparing a "National Action Plan on Disabilities from 2013 to 2022".

Reply to the issues raised in paragraph 11 of the list of issues

129. With regard to the steps taken to improve access on health services as well as to reduce the disparity on said access, The Government of Indonesia implemented policy on "Healthy village development", which includes underdeveloped and post-conflict regions, aimed to implement national health priorities in 2014 and to accelerate achievement of MDGs by 2015.

130. This policy ensures access, availability and performance of the five pillars of Healthy Village, which are: 1) The presence of at least one doctor in every Community Health Center; 2) The presence of at least one midwife in each village; 3) Provision of clean water in every village; 4) Sanitation facility in every household, and 5) Balanced nutrition for pregnant and breastfeeding mothers as well as infants in all villages of underdeveloped regions.

131. In 2013, the data shows that access to clean water is around 61.83 percent of the total population, which is still below MDGs target of 68 percent. To address this issue, this year, the Government allocates IDR 640.11 billion for 444 Municipalities/Cities in the form of Special Allocation Fund for infrastructures of clean water facilities. At the same time, around IDR 599.58 billion is disbursed to 431 Municipalities/Cities through Special Allocation Fund for infrastructures of sanitation facilities.

132. Improving people's access to reproductive health services, including maternal health services and family planning program, continues as one of the top priorities in Indonesia. There has been progress in this area, although challenges remain in realizing the MDG-4 and MDG-5 in time. The Government has taken a wide range of necessary measures to address this issue, such as reducing maternal and child mortality rates through Universal Delivery Care (Jampersal). Jampersal targetted a sizeable portion of poor community members who have not obtained health insurance and estimated to have covered around 2.9 million deliveries out of 4.6 million deliveries each year since its launching in 2011. Jampersal covers services such as financing of antenatal services, delivery assistance by health personnel, and postpartum services, including maternal care of newborns, postpartum family planning services, as well as exclusive breastfeeding counseling.

133. The Government has also improved facility-based outreach service by increasing the quality and number of community health centers; implementing Basic Emergency Obstetrics Neonatal Care (PONED) at community health centers and Comprehensive Emergency Obstetrics Neonatal Care (PONEK) at general hospitals. Up until 2010, the number of local health service centers that implemented PONEK were 1,580 units. Meanwhile, the percentage of hospitals in municipality/city that deliver PONEK has increased from 87.6 percent in 2012 to 94.8 percent in March 2013.

134. At the sub-national level, the commitments to reduce maternal and child mortality have been translated into a wide range of action tailored to the needs of the regions concerned. Capacity building, provision of appropriate facilities, distribution of skilled birth attendants, and community involvement are amongst the main programs. In fact, the effort

to improve access and quality of health services has started in 2006 and expected to reach 80 percent of villages in Indonesia by 2015, as mandated in Ministerial Regulation No. 741/Menkes/PER/VII/2008 and Ministerial Decree No. 828/ Menkes/SK/IX/2008.

135. One concrete example is the implementation of Program on Birth Preparedness and Complication Readiness since 2007. Facilitated by midwives in villages and rural areas, this program is aimed at enhancing the husband, family, and community's role in preparing a safe delivery for pregnant women, including by preventing complications during delivery which can be fatal to both mother and baby.

136. The Government has also increased health personnel capabilities, both in quantity and quality. The distributions of general practitioners, specialists, midwives, and paramedics, particularly to meet the needs of health workers in remote area, border and remote islands, have been increased through, inter-alia, pre-service and in-services training for strategic health personnel, and implementation of program on the deployment of contract-based health personnel. Partnership program with traditional birth attendant has been conducted as well in order to enhance their capacities. At present, there are 67,688 midwives and 106,983 traditional birth attendants.

137. Continuous efforts by the Government to expand access and services for pregnant mothers have resulted in moderate progress, such as: the coverage of delivery assistance by medical workers that is steadily increasing from 81.3 percent in 2011 to 83.4 percent in 2012, delivery in medical facilities that is improving from 55.4 percent in 2010 to 63.2 percent in 2012, as well as the first neo-natal coverage that is increasing from 87.3 percent in 2011 to 92.3 percent in 2012. Furthermore, the improvement of health status and nutrition of both mother and infant has been able to reduce infant mortality rate from 34 in 2007 to 32 per 1,000 live births in 2012, as well as to abate malnutrition and stunting from 18.4 percent and 36.8 percent in 2007 to 17.9 percent and 35.6 percent in 2010 respectively.

138. Ministry of Health adopted the Expanded Program on Immunization (EPI) launched by the World Health Organization (WHO) in 1977. Universal immunization of children covered six vaccine-preventable diseases – tuberculosis, diphtheria, whooping cough, tetanus, polio, and measles – and is crucial in reducing infant and child mortality.

139. In Indonesia, infants and young children could receive basic immunizations from health/medical personnel in various health centers, such as: integrated service posts (Posyandu); village maternity clinics (Polindes); the community health centers (Puskesmas); and government and/or private hospitals or clinics. In Posyandu, the services offered include child-growth monitoring, immunizations, management as well as treatment for diarrhea and other childhood diseases.

140. According to data from National Socio-Economic Survey in 2012, the total percentage of under five children who have received immunization (at least once of any vaccine type) was around 95.10 percent, with no significant difference between boys (95.04 percent) and girls (95.16 percent) in receiving immunization. However, only around 70.12 percent under five children who have received complete immunization package. Based on the type of vaccine received by children, immunization for TB (BCG), Diphtheria (DPT), and Polio was relatively high, more than 90 percent, as compared to measles at 78.02 percent.

141. Government also steps up the efforts to increase the number of infants who received a complete and timely immunization. For this, Health card/book system (namely "Kartu Menuju Sehat/KMS" and "Buku Kesehatan Ibu dan Anak") are issued for pregnant mother, mother, infant and child and used to record and monitor their health status and types of health services received. This system will allow both health centers and parents to monitor their child's growth and keep track of immunizations.

142. The data also shows that the percentage of under five children who received immunization in urban areas was slightly higher at 96.79 percent, compared to in rural areas at 93.46 percent. This was due to the fact that facilities at health centers in rural areas were less than those in urban areas. Nevertheless around 80 percent of villages in Indonesia have attained Universal Child Immunization from the target of 86.8 percent. To accelerate the progress, the Government provided free immunization program in Posyandu, which include 5 types of vaccines (Hepatitis B, BCG, Measles, DPT/HB and Polio).

143. To compliment effort through health centers, the Government also conducts advocacy and awareness-raising campaign on the benefit of immunization, with relevant decision makers at the local level, as well as community leaders and religious leaders, particularly in addressing anti-vaccine myth within the community. Public service advertisement in media is also used to improve the knowledge of the community on immunization.

144. Indonesia has been consistently taking measures in ensuring the fulfillment of right to reproductive health to women and girls. Measures taken include: improvement of access to public health services and of skills of health personnel and related stakeholders. Moreover, cross-sector coordination and good governance have consistently improved, and information, monitoring as well as evaluation systems are strengthened.

145. The enactment of Law No. 36 of 2009 on Health is part of the Government's effort to fulfill the right for reproductive health for all, particularly among married couple, as stipulated on Article 72. Although this Law has no specific provision regarding reproductive health for unmarried and adolescent, article 136 and 137 clearly guarantees the rights for all adolescents to obtain education, information and services on health, including in this regard, reproductive health. Furthermore, various information on family planning and reproductive health, including on contraception, is available and accessible for all.

146. Regardless, reproductive health issues among adolescents and youth remains complex. Following the Cairo commitment, Indonesia then launched a Reproductive Health National Strategy, which introduced the concept of Integrated Essential Reproductive Health that includes adolescent's reproductive health as one of its elements.

147. Beginning in 2000, the Indonesian Government took over and expanded the Adolescents Reproductive Health program, turning it into a national program. It is designed to prepare adolescents and youth to engage in more responsible reproductive health behavior. This program is actively supported by many civil society entities, among them are religious and community leaders.

148. The Government integrates "Adolescents Friendly Health Service" program into reproductive health programs and other programs related to children and adolescents, in order to provide comprehensive services for adolescents, including when they experienced pregnancy, sexual violence, or contracted with sexually transmitted diseases. In the sub-national level, Ministry of Health has designated an indicator that each Municipality/City has a minimum of 4 (four) Community Health Centers that are able to implement this Program. The coverage of Municipality/City which fulfils this indicator increases each year. To improve its quality, the Government developed National Standard on Adolescents Friendly Health Service in order to ensure that the implementation is measurable and sustainable. Up to 2012, there are 3,191 "Adolescents Friendly Health Service" in Community Health Centers in 386 municipalities/cities.

149. One of the innovative strategies to promote reproductive health and responsible behavior among adolescent, which initiated by youth organizations with the support of Government is peer counseling. This strategy has been conducted within the setting of youth organizations, local communities, and also replicated for children of school age and

adolescents through the School Health Unit and Adolescents Friendly Health Service in the Community Health Centers.

150. In schools, "Adolescents Friendly Health Service" program focused on advocacy and preventive measures such as: counseling, life skills trainings, and peer counseling with the objective of preventing sexual relationship before marriage and delaying marriage age for adolescents. An audio visual counseling technique for adolescents is also formulated to improve counseling skills.

151. Furthermore, health education for children of school age and adolescents is conducted through the integration of reproductive health issues within relevant school curriculum, extra-curricular activities, as well as education courses and trainings for teachers and health cadres in schools. The Ministry of Health is currently formulating a module on reproductive health for adolescents as guidance for teachers in delivering reproductive health subjects to their students.

152. Since 2000, the Government has established a Center of Information and Counseling for Adolescents and University Students targeted for those between the ages of 10-24 years old. Until 2013, the number of the centers has reached 18,900 units and estimated to increase to 45,692 units in 2017.

153. National Population and Family Planning Agency launched a web-site called Cerita Remaja Indonesia (Indonesia Adolescents Story) or CERIA for short (http://ceria.bkkbn.go.id/). CERIA is a consultation forum allows teenagers to discuss and ask questions on reproductive and sexual health as well as treatment for drug dependence.

154. In 2005, Ministry of Education launched an interactive module on Information regarding Reproductive and Sexual Health for Adolescents called Dunia Remajaku Seru!/DAKU! (My Fun Adolescent World!). The module is distributed in CD format to schools in provinces and municipalities/cities. A similar module called SERU!/Sumber Edukasi Masa Remajaku (My Adolescent Education Information) was also created for children in Detention Center and launched by Ministry of Law and Human Rights. The launch of these modules was also in cooperation with Jakarta AIDS Committee, National Population and Family Planning Agency, religious leaders and other local NGOs. DAKU! targets students aged 15-17 years old, and its interaction format allow both teachers and students to review and discuss the issue on reproductive and sexual health.

155. To address HIV and AIDS issue among adolescents, Ministry of Health establishes a web-based information system called Aku Bangga Aku Tahu/ABAT to disseminate comprehensive information about HIV and AIDS (http://promkes.depkes.go.id/site/akubanggaakutahu/). This Program is also a coordinated educational campaign about HIV and AIDS, involving relevant sectors, and targets young people aged 15-24 years old in all provinces of Indonesia from 2012 to 2014.

156. For the next step, the Government is currently drafting the Government Regulation on Reproductive health, which includes provision on reproductive health for adolescents, as well as finalizing the Guidance on Reproductive Health for Adolescents with vision impairment and hearing impairment.

157. In addition, a comprehensive sexuality education combined with life skills training are being provided by relevant NGOs. In certain cases, after satisfying specific rigorous requirements, it may include providing contraception and menstrual regulation services to those in need.

158. The Government takes a serious effort to prevent drugs abuse, particularly among children and adolescents. The prevalence of drug abuse among youth in Indonesia is relatively high compared to other age groups, as the average age of people in treatment for drug abuse is under 30 years old. Heroin abuse is the primary reason for people receiving

treatment for drug abuse in Indonesia. Meanwhile, a survey of secondary schools in Indonesia in 2011, shows that prevalence of cannabis abuse by students was around 1.3 per cent and relatively higher than abuse by other groups. In 2011, BNN recorded that around 2.2 percent of population (3.8 million) has abused drugs in some point. This year, it is estimated that the number will increase to 2.8 percent in 2015.

159. The Government, in 2002, has established the National Narcotics Board as a coordinating agency to replace the previous agency called National Narcotics Coordination Board, through the Presidential Decree No.17 of 2002. The decree stipulated that National Narcotics Board works as a forum of 25 institutions with 2 (two) main tasks. First, to coordinate related government institutions in the formulation of national policy on drugs; and to coordinate actions on the implementation of said policy. The amendment of Law No. 22 of 1997 on Narcotics to Law No. 35 of 2009 has given the Board the authority to investigate drugs cases and act as a precursor on drugs criminal. The Law also emphasizes the Board as a Non-Ministerial Body with a direct line of coordination its subsidiary Boards at the local level.

160. National Narcotics Board, in cooperation with various relevant Ministries/Institutions, including Ministry of Women Empowerment and Child Protection, actively raises awareness on the risk of narcotics for children by including the subject on drugs risks into curriculum in school and provides advocacy programs to fight drug abuse and drug trafficking in schools and universities. It also engages various educational institutions to participate in the effort to combat drug abuse by holding, for example, school/campus drug-free contest. It also provides access of information regarding the risk of narcotics drugs through the Board official site and 24-hour call center.

161. The program of community empowerment is also used to empower communities in the effort of combating drug abuse, among others, by:

(a) Promoting alternative crops farming, in Aceh Province, to replace illicit cannabis cultivation, with other crops, such as: banana, dragon fruit, vegetables as well as encouraging animal farming, such as: fresh water fish, goats, and chicken. The program is implemented in cooperation with related Ministries, the Provincial Government, the University in Aceh Province and Bank of Indonesia, as part of their Corporate Social Responsibility (CSR) program;

(b) Conducting Urban Alternative Development project in "Kampong Permata", a village in West Jakarta known as a concentration of urban poor, criminals, delinquents, drug addicts and drugs traffickers. This project is conducted by National Narcotics Board with University of Indonesia and several NGOs. The Community of "Kampong Permata" received training on computer skill, cooking and sewing to help them obtain employment or start a small businesses. Sports and music activities and healthy life styles was also promoted. Drug addicts in the community were also given addiction treatment and rehabilitation.

162. The work of the Board is further strengthened by the Presidential Instruction No 12 of 2011 on the Implementation of National Policies on the Prevention and Eradication of Drug Abuse and Trafficking of Narcotics (2011-2015).

163. It also assists children in conflict with the law, accused of drug using, by issuing recommendation letter for the children to receive rehabilitation and by acting as an expert witness in court on drug cases involving children. In cases of drug addicted children in detention or prison, counseling by social workers and treatment by medical personnel would further help their rehabilitation process. It is hopeful that the new law on Juvenile Justice System issued in 2012, which emphasizes on restorative justice, would further protect the rights of children who are involved in drug-related crimes or violations.

164. On the subject of rehabilitation, the Government also enacted Regulation No. 25 of 2011 which regulates mandatory reporting by drug addicts or their family/guardian (in case of under-age drug addicts) to Institutions appointed by Government, such as community health centers, hospitals, and/or medical or social rehabilitation centers. This reporting mechanism will allow drug addicts to receive necessary and regular treatments and rehabilitation services. Furthermore, medical treatment and rehabilitation to overcome drug addiction also provided for children and adolescents.

165. Several Ministries also take part in addressing drug abuse problem. For example, Ministry of Health establishes Methadone Therapy Program as pilot project to treat people dealing with heroin or other opioid dependence. Up to January 2012, it had been fully running in 76 units for out-care patients in 15 provinces, which includes hospitals, Community Health Centers and detention centers with 2,487 active patients. The Program service also expands to provide reference to hospitals for HIV-positive drug addicts, as part of an integrated HIV/AIDS service.

Reply to the issues raised in paragraph 12 of the list of issues

166. Indonesia Constitution guarantees the right to education for all, on the basis of equal opportunity, regardless social status, economic background, ethnicity, religion, and genders. This undertaking is further strengthened through the implementation of the commitments within CRC and other internationally agreed goals, particularly Education for All and MDGs.

167. National Socio-Economic Survey in 2012 has collected school participation statistics on children between the age of 5-17 years old. The data shows that the percentage of children in schools was slightly higher in urban (82.90 percent) than rural areas (80.27 percent). Furthermore, the percentage of out of school children in urban areas was lower (5.17 percent) than children in rural areas (7.37 percent). The data also shows that the number of girls who are out of school or never enroll to school was lower than boys in both rural and urban areas.

168. The data reflects that the number of drop outs in elementary schools (1.5 percent) was higher than that of middle (0.86 percent) and high schools (0.36 percent). It shows that the number of children able to continue their education was decreasing in every level. Almost half (44.1 percent) of drop outs students between the age of 7-17 years old were due to lack of funding. While others stopped going to school because of employment (9.64 percent), geographical obstacle (4.18 percent), marriage or responsibility in household (3.95 percent). Around 0.67 percent of children between 16-17 remain illiterate.

169. This number shows that the gap of school participation still existed to some degree, between gender, between age group, between rural and urban areas, and between level of education. The contributing factors of this gap, among others, is differences in facilities and access to education, particularly for children from poor families and in remote areas.

170. To address the gap in school participation, Government continues to increase budget allocation for education sector. In 2013, to fulfill the commitment in the Constitution, the Government has allocated 20 percent of its State Budget for education, or around IDR 336.85 trillion. This budget was further shared, in which IDR 117.78 trillion was allotted to 19 Ministries/Institutions through National Expenditures, and around IDR 214.07 trillion were given to local governments through Regional Transfer Fund, while IDR 5 trillion was used as National Education Development Plan.

171. In improving the quality of human resources in education, particularly in underdeveloped regions. Up to 2012, the Government has assigned a special fund for 53,954 teachers of elementary and middle schools and 3,790 teachers of Islamic schools in

remote areas. In 2013, this fund reached 56,287 teachers of elementary and middle schools and 3,500 teachers of Islamic schools in remote areas.

172. This program is supported with various programs in poverty reduction, including Scholarship for Poor Students program at all education levels. In 2013, around 8 million elementary students and 2.8 million junior school student have received the Scholarship. The fund was also used by schools to build 2,185 new classrooms and provide technical guide for extracurricular program such as Boy Scouts, arts, religions and sports for the benefit of students. To further enhance its effectiveness, the number of beneficiaries in least developed, frontier, outer, remote, fishing village and migrant workers enclaves is being increased. For 2014, Scholarship for Poor Students allocates IDR 450,000/student/year for elementary students, IDR 750,000/student/year for junior high students and IDR 1 million/student/year for senior high students.

173. Another program is Family Hope Program, a conditional cash transfer for the poorest households/families. It prioritizes families with pregnant/breastfeeding mothers and children between 0-15 years old and 15-18 years old who have not finished elementary education. The impact of this program is quite significant, among others: behavioral change of poorest households/families on their family expenditures which now gives priority on ensuring that mothers and children visit the health service providers in regular basis and that children stay in schools. Aside from providing assistance for school fees, the Program also providing assistance to facilitate children to access school, including transportation assistance for children in remote areas, as well as school uniforms, books and other necessary equipments.

174. Since 2005, Indonesia has promoted free education through the implementation of School Operational Assistance which is given annually and directly to school to help students from poor families. In 2013, it has been distributed to 148,528 schools with total value of IDR 15.5 trillion.

175. These various programs have been implemented for several years and have successfully contributed in lessening school participation gap in the previous years, particularly between children of different economic background. The number of school participation of children between the age of 13-15 years old of poorest group has increased from 72.2 percent in 2009 to 77.9 percent in 2011.

176. The Government believes in the importance of fostering and nurturing children potential at the earliest stage in order to develop behavior and basic abilities in accordance with their growth stage and prepare them for the next level of education. This objective is embedded within Law No. 20 of 2003 on National Education System and further reaffirmed through Government Regulation No. 17 of 2010 on Early Childhood education.

177. Access to Early Childhood education continue to be enlarged, as children could obtained it formally through kindergartens, and Raudhatul Afthal (Islamic kindergartens), or informally through playgroups, daycare centers and other forms of informal child care institutions.

178. In 2012, according to National Socio-Economic Survey, around 16.07 percent of children between 0-6 years old have participated in early childhood education. There is a small gap in participation to early childhood education between children in rural areas (13.47 percent) and urban areas (18.77 percent).

179. To increase the number of participation and lessening the gap, the Government has implemented "1 village, 1 Early Childhood education" program and operational assistance fund for around 45,000 early childhood education facilities in rural areas. Efforts by the Government, coupled with the increasing awareness on the importance of early childhood education has spur the growth of early childhood education facilities in Indonesia. For

example, in 2001 there are only 35,000 early childhood education institutions, and the number increased five-folds in 2013, to 174,367 institutions. However, there are still 23,727 villages without such facilities. Ministry of Education and Culture has planned to add 2,000 early childhood education facilities to these villages in 2014, and allocated IDR 40 million for the funding of each facility.

180. Even within the disaster prevention framework, the Government has allocated budget on repairing of infrastructure of early education institutions affected by disaster within 4 years and targeted to assist 100 institutions per year.

181. In addition, Ministry of health has integrated Maternal & Child Health Centre and early childhood facilities, to improve access of children in early childhood facilities to healthcare. Another program from National Population and Family Planning Agency called Development for Family with Under-Five Children focuses on providing counseling and education on parenting and targetting 3 million families. In 2014, this program obtains IDR 100 billion as a new initiative fund to be disbursed in 12 provinces which prioritize underdeveloped regions.

182. The latest development to enhance coordination of policies and programs among related Ministries/Institutions, the Government issued Presidential Decree No. 60 of 2013 on the Holistic and Integrated Early Childhood Development. This Decree will comprehensively cover programs and policies related to development of baby during pregnancy and children during infancy to 6 years old.

183. To implement this Decree, the Government established a Task Force that reports directly to the President in coordinating program planning, budgeting and activities in related Ministries and Institutions. Task Force is also mandated to mobilize funding, infrastructures and other resources to implement the Holistic and Integrated Early Childhood Development. They will also conduct monitoring and evaluation, as well as advocacy.

184. With regard to effective measures in addressing the drop-out level in middle schools, the National Socio-Economic Survey in 2012 shows that the average percentage of out of school children was 2.72 percent, in which 0.86 percent are drop-outs from middle school.

185. The break down of out of school children is as follows: 3.26 percent was in rural area while 2.15 percent was in urban area, meanwhile, boys accounted to 3.31 percent and girls 2.10 percent. This gender pattern is similar both in urban and rural areas.

186. The survey also identified several contributing factors to drop outs rate in general, such as:

(a) Economic factor, which include poverty and students joining labour market. This factor contributes to almost half of drop outs number (44.1 percent);

(b) Geographical factor, in which children who reside in mountainous, remote, and secluded areas as well as isolated islands, could not access education. This factor amounted to 4.18 percent; and; the rest is caused by

(c) Socio-cultural factor, which include student with low motivation, patriarchal values that discourage girls to obtain higher education, early marriage, teenage pregnancies, domestic responsibility.

187. The government programs to address drop-outs student encompass all level of education and part of the general strategy in improving access of children through education. Therefore programs such as Scholarship for Poor Students, School Operational Assistance and Family Hope Program, among others also impacted drop-outs among middle school student. In addition, Ministry of Education and Culture also has launched

"Retrieval Remedial" program aimed to prevent early marriage and bring drop-outs students, including those already joining the labour market, back to school.

188. In addressing the question on ensuring the access of pregnant teenagers to education, the Government would like to emphasize that cases where pregnant student are expelled or discouraged to continue their education during pregnancy, are isolated and resulted from individual policy of school and not the government policy.

189. Nevertheless, Government strongly objects the policy of these schools as reflected in the firm public statement from Minister for Women Empowerment and Child Protection as well as Minister for Education and Culture that reprimanded these schools and stressed that pregnant students must not be expelled from school and should be allowed to join National Exam. It is worth noting that efforts to stop this policy are shared by various stakeholders at all levels. For example, the East Java Education Board released a statement that banned schools from restricting pregnant students to join National Exam. However, it is also important to continue monitor schools regarding the implementation of providing access to education, including for pregnant students. Ministry of Education issued tool kit of inclusive education that may be used to prevent similar cases happening in the future.

190. To address violence in school, various programs have been implemented by relevant Ministries and Institutions, such as:

(a) National Police together with Ministry of Education and Culture conduct a program that provides information on student violence prevention;

(b) Ministry of Women Empowerment and Child Protection and Ministry of Education and Culture promote child-friendly schools by developing 3 (three) indicators, such as: infrastructures, child-friendly educators, and the ability of schools to provide children with life skills in accordance with the curriculum. Pilot projects on child-friendly schools have been started in several cities;

(c) Ministry of Law and Human Rights supports the establishment of Student Community for Human Rights, a self-funded body that disseminate human rights principles and values to schools and detention centers;

(d) The Ministry of Education and Culture issued Circular Note No. 220/C/MN/2008 on Student Orientation Period for elementary and middle schools that encourage an orientation program for new students which consist of educational activities, as well as ban activities that may harm the students. For University students, a similar instruction is also disseminated through Circular Note No. 1016/E/T/2011. The Ministry also launched the Communication, Information and Education Media on the impact of violence towards children as a guidance for teachers.

191. Indonesia believes that empowering children in this issue is a step to the right direction. Therefore, the Government develops children forums, such as National Children Forum. The Forum works in channeling the talents, hobbies and skills of children to participate in creative and educational activities. By spending times in positive activities, children will be less inclined to involve in violence. This approach is complimented with "Child-Friendly City: program, which involves children in determining the criteria of child-friendly environment.

Reply to the issues raised in paragraph 13 of the list of issues

192. Indonesia is committed to ensure that basic rights of refugees and asylum seekers are fulfilled right after arrival. In reference on how to ensure that children of asylum seekers received a proper treatment upon their arrival and during their stay, Indonesian officers at the field, as part of the Standard Operating Procedures, gives proper treatment for children, such as priority at shelters for access to education, counseling, and recreation.

193. As of 10 February 2014, there are 709 refugee children and 1,477 asylum seeker children. 147 children are registered as refugee children unaccompanied minors (UAMs), and 318 children are asylum seekers UAMs. Apart from applying customary international laws governing in the protection of refugees and asylum seekers, the Government of Indonesia, in close cooperation with UNHCR, IOM, and non-government partners continues to assist children of refugees and asylum seekers to access education and healthcare. Government also facilitates and allows access to its partners to provide those children with psycho-social support; various training courses in refugee centre or through third party providers; and sport and recreational activities.

194. Indonesia is in the process of formulating regulation related to refugees and asylum seekers, which one of the provisions reaffirm the guarantee on the access to basic rights, including legal assistance and education for children of refugees and asylum seekers.

Reply to the issues raised in paragraph 14 of the list of issues

195. Up to 2013, among 1.76 million children who are categorized as child labour in Indonesia, 20.7 percent are trapped in worst forms of labour, in which boys are most likely to be employed compared to girl. However, since most girls are working in informal work and domestic chores, they are more vulnerable to abuse and discrimination. Having ratified ILO Convention No. 182 on Worst Forms of Child Labour and Convention on the Rights of the Child and its 2 (two) Optional Protocols, Indonesia adopted several measures, by creating legal, institutional and coordinating frameworks at the national level.

196. In term of legal framework, Indonesia's Constitution and legislations have provided guarantee of protection of children from economic exploitation, including worst forms of child labour. Specifically, Article 74 paragraph 2 of Law No. 74 of 2003 on Manpower regulates that worst form of child labour include: a) every work in form of slavery b) every work that exploit, serve and offer prostitution, pornography or gambling c) every work that exploit, serve or involve children in the production and sale of alcohol, narcotics, psychotropic and other addictive substances d) every work that endangered children health, safety and morale. Moreover, Ministry of Manpower Regulation No. 235 of 2003 on Types of Works that Endangered Children Health, Safety and Morale had been enacted as a guideline for all related stakeholders to protect the rights of the child from their involvement in worst forms of labour.

197. As Institutional Framework, the National Action Committee on Elimination of Worst Forms of Child Labour established in 2001 with the mandate to identify child labour issues in the country, to create National Action Plan on the Elimination of the Worst Forms of Child, as well as to carry out monitoring and evaluation of the implementation of the Action Plan in accordance with the applicable regulations. Ministry of Home Affairs has issued Ministerial Regulation No. 6 of 2009 that provides guideline for the Regional Action Committee at the provincial and municipality level.

198. With regard to coordinating Mechanism, national frameworks, such as the National Action Plan on the Elimination of the Worst Forms of Child Labour (2013-2022) as well as National Action Plan on the Prevention and Eradication of Trafficking in Person and Sexual Exploitation against Children (2009-2014) provide coordination of policies among related stakeholders, from central to local levels, through Regional Action Plan and community empowerment to eradicate worst forms of child labour. The National Action Plan on the Elimination of the Worst Forms of Child Labour involves Ministry of Manpower and Transmigration, Ministry of Home Affairs, Ministry of Education and Culture, Ministry of Social Affairs, Ministry of Health, Ministry of Women Empowerment and Child Protection, National Police, workers union, employer's association, and CSOs.

199. In addition, a stronger coordination between the Ministry of Manpower and Transmigration and National Police, Attorney General and advocates is also being developed to better enforce the existing legislation.

200. In the framework of implementing the National Action Plan, Indonesia realized that keeping children in schools is one of the effective ways to reduce the number of child labour. In fact, the Government has just launched 12 years free and compulsory education program to ensure that children would stay in school until they are old enough to be legally employed. Moreover, the Government continues to provide scholarships or cash conditional transfer programs for students from poor families.

201. Indonesia also established Child Labour Reduction Program that helps child labourers to obtain education and/or vocational trainings. During the period of 2008-2013, this program has managed to reinstate 32,663 child labourers to school. In 2014, 15,000 child labourers are targeted for this program.

202. The Government implemented strategies, policies and programmes that offer access to and delivery of social and health services to vulnerable and socially excluded households, hard-to-reach children, and children with special needs. For that purposes, Child Social Welfare Program and Family Hope Program have nationally reached 4.7 million children of poor families from 2005-2013. At present, the Government has established partnership with 89 Child Social Welfare Institutions in 14 provinces.

203. Furthermore, the Government is striving to improve labour market policy. To ensure that companies follow labor norms and regulations, Government intensifies the work of labor inspectors. By 2015, Indonesia will increase the number of labour inspectors to 3,500 people. Further, the local labour inspectors have been instructed to regularly submit report to the Ministry of Manpower and Transmigration. It is hopeful that through this system, a stronger synergy and coordination between national and local government will be forged.

204. Since 2002 until 2012, various efforts have been made by the Government, private sectors and CSOs through policies advocacy, capacity building, public awareness campaign, and development of project in some areas. These efforts have been a tremendous help in withdrawing children from the worst forms of labour.

205. Currently, the draft bill for the protection of domestic workers is being discussed in parliamentary legislative body. One of the important topics within the discourse of domestic workers bill is the provision of legal protection measures for domestic workers. It is important to note that the current Labour Law only regulates formal employment area where labour inspectors are authorized to inspect the condition of work. This creates a limitation of protection mechanism for workers in domestic sectors. Along this line, Indonesia is also considering to ratify ILO Convention 189 on Decent Work for Domestic Workers.

Reply to the issues raised in paragraph 15 of the list of issues

206. Pursuant to its commitment to the right of children to survival, the right to growth and well-being, as well as to protection against violence and discrimination, the Government issued Law No. 11 of 2012 on Juvenile Justice System to replace Law No. 3 of 1997 on Child Court. The Law represents a paradigm shift among stakeholders in the protection of the rights of children in conflict with the law. It transforms retributive justice approach in the past to restorative justice approach and diversion which seeks to achieve restorative outcomes. The law is to take into effect in the middle of 2014.

207. The law on Juvenile Justice System has covered, among others:

(a) Emphasizes on the provisions of the Convention on the Rights of the Child and Beijing Rules;

(b) The increase of minimal age for criminal responsibility, from 8 years old to 12 years old, and that marriage status shall not be the basis of treating children as adults;

(c) Special provision that legal process, which include detention for children is the last resort and to be conducted at the shortest amount of time possible;

(d) Obligation to implement diversion and restorative justice approach to children who commit criminal offenses that liable for detention, maximum 7 years;

(e) Detail explanation on the rights of children in conflict with the law in each stage of legal proceeding;

(f) The rights of children to obtain legal aid and access to justice as well as protection from inhumane/degrading treatment;

(g) Protection of privacy and confidentiality with regard to child identity in the media;

(h) Punishment alternatives for children in conflict with the law, which include rehabilitation, social work, close monitoring and vocational trainings.

208. Under the framework of Juvenile Justice System, various aspects on the protection of children in conflict with the law is being developed by related Ministries/Institutions:

(a) Ministry of Social Affairs is to provide material and psychological guidance, assistance, and facilities to children in conflict with the law. The Ministry is obligated to monitor the legal process of the children, their condition in correctional facility, as well as their post-detention rehabilitation. These efforts are to be implemented with close coordination with correctional facilities;

(b) Ministry of Women Empowerment and Child Protection is to act as a cross-sectoral coordinator of other related Ministries/Institutions in term of monitoring, evaluation and reporting of the court conduct. The Ministry is responsible to synchronize the policy on the prevention, case settlement, rehabilitation and social reintegration;

(c) Ministry of Law and Human Rights, is to facilitate the judicial process, especially to the prosecutor, mentor, counselor and supervisor during the diversion process. Furthermore, the supervisors also have the obligation to protect the identity of children. Both the victims and/or perpetrators will be protected from media coverage. Correctional facilities are to provide services, care, education, guidance and training towards children inmates, as well as other matters stipulated by the law;

(d) National Police role, are among others, to undertake diversion in cases of children in conflict with the law, to place them in a children service unit during investigation, to provide special protection for children whose crime is conducted in an emergency situation, to alert their parents regarding the detention of their children as well as to provide legal aid.

209. Ministry of Law and Human Rights is currently drafting the implementing regulations:

(a) Draft Guideline on the Implementation of Diversion Process;

(b) Draft Guideline on the registration of child's court;

(c) Draft Regulation on the Penal Form and Procedure and intervention on Child Case.

210. Aside from preparing implementing regulations, the Government is identifying various elements that will support the full implementation of Juvenile Justice System, such as:

(a) Increasing the quality and quantity of human resources. It is estimated that the implementation of the law in 530 municipality/city will requires a minimum of 23,320 human resources, which include law enforcement officers and related personnel, such as social workers and advocates; and

(b) Transforming related facilities and institutions, starting by changing the nomenclature of related institutions, for example: from 'Children Correctional Facility' to 'Rehabilitation Institution for Children' and from 'Detention Center' to 'Children Temporary House'.

211. Since issuing the Law, Indonesia has been active to exchange views and best practices on the issue of restorative justice for children in conflict with the law.

Part II

Update of information presented in the combined third and fourth periodic reports

(a) New bills or laws, and their respective regulations

212. Relevant laws and regulations adopted since 2007:

(i) Minister for Religious Affairs Regulation No. 11 of 2007 on Marriage Registration.

(ii) Law No. 28 of 2008 on the Elimination of Racial and Ethnic Discrimination.

(iii) Law No. 47 of 2008 on Compulsory Education.

(iv) Law No. 11 of 2008 on Electronic Information and Transaction.

(v) Government Regulation No. 9 of 2008 on Procedures and Mechanisms for Integrated Services for Witnesses and/or Victims of Crime of Trafficking in Persons.

(vi) Government Regulation No. 48 of 2008 on Education Funding.

(vii) Law No. 36 of 2009 on Health.

(viii) Coordinating Minister for People's Welfare Regulation No. 25 of 2009 on the National Action Plan on the Prevention and Eradication of Trafficking in Person and Sexual Exploitation against Children (2009-2014).

(ix) Minister for Women Empowerment and Child Protection Regulation No. 1 of 2009 on Minimum Service Standard of Integrated Service for Witnesses and/or Victims of Trafficking in Persons.

(x) Minister for Women Empowerment and Child Protection Regulation No. 6 of 2009 on the Provision of Data on Gender and Child.

(xi) Government Regulation No. 17 of 2010 on Education Management and Organizations.

(xii) Government Regulation No. 56 of 2010 on Procedures for Monitoring on Efforts to Eliminate Discrimination.

(xiii) Presidential Instruction No. 3 of 2010 on Equitable Development Program.

(xvi) Minister for Social Affairs Resolution No. 15A/HUK/2010 on General Guideline for Children Social Welfare Program.

(xv) Minister for Health Regulation No. HK.02.02/Menkes/095/I/2010 on Organization of Health Insurance.

(xvi) Minister for Culture and Tourism Regulation No. PM. 30/HK.201/MKP/2010 on Guidelines in the Prevention of Sexual Exploitation against Children.

(xvii) Circular Letter of the Chief Justice of Supreme Court No. 10 and 64 of 2010 on the Provision of Free Legal Aid to Disanvantaged People.

(xviii) Law No. 19 of 2011 on Ratification of the Convention on the Rights of Persons with Disabilities.

(xix) Law No. 24 of 2011 on Social Security Agency.

(xx) Government Regulation No. 25 of 2011 on the implementation of Mandatory Reporting for Drug Addicts.

(xxi) Government Regulation No. 40 of 2011 on Counselling, Mentorship and Rehabilitation for Children Victim or Offender of Pornography.

(xxii) Minister for Home Affairs Regulation No. 18 of 2011 on Guideline on Provision of Food Supplement for Students.

(xxiii) Minister for Home Affairs Regulation No. 28 of 2011 on Guidelines for Family Empowerment and Welfare to Promote and Realize Civil Administration Order.

(xxiv) Minister for Home Affairs Regulation No. 62 of 2011 on Guidelines for Management of School Operational Assistance.

(xxv) Minister for Social Affairs Regulation No. 30/HUK/2011 on National Standard for Child Care for Institutions for Child Social Welfare.

(xxvi) Minister for Women Empowerment and Child Protection Regulation No. 9 of 2011 on Early Caution for the Prevention of Criminal Act of Trafficking in Persons.

(xxvii) Head of Population and Family Planing Agency Regulation No. 92/PER/B5/2011 on the Organization and Procedures of the Education Centers and Disasters Training and Family Planning.

(xxviii) Law No. 6 of 2012 on Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

(xxix) Law No. 9 of 2012 on Ratification of the Optional Protocol to the Convention on the Rights of The Child on the Involvement of Children in Armed Conflict.

(xxx) Law No. 10 of 2012 on Ratification Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

(xxxi) Law No. 11of 2012 on Juvenile Justice System.

(xxxii) Presidential Regulation No. 25 of 2012 on Task Force to Prevent and Address Pornography.

(xxxiii) Government Regulation No. 33 of 2012 on Exclusive Breastfeeding.

(xxxiv) Government Regulation No. 99 of 2012 on Second Amendment to the Government Regulations No. 32 of 1999 on Requirement and Procedure on Implementation of the Rights of the detainee/convict.

(xxxv) Law No. 102 of 2012 on Amendment to the Government Regulation No. 37 of 2007 on Implementation of Law No. 23 of 2006 on Civil Administration.

(xxxvi) Government Regulations No. 109 of 2012 on The Security of Materials Containing Addictive Ingredients.

(xxxvii) Supreme Court Circular Letter No. 06 of 2012 on Guidelines for Collective Birth Registration.

(xxxviii) Presidential Regulation No. 60 of 2013 on Holistic and Integrated Early Childhood Development.

(xxxix) Minister for Religious Affairs Regulation No. 90 of 2013 on organizations of Islamic Education Institution.

(xl) Minister for Home Affairs Regulation No. 1 of 2013 on Empowering the Community through Family Empowerment and Prosperity Movement.

(xli) Minister for Education and Culture Regulation No. 72 of 2013 on Organizations of Special Education Services.

213. Others relevant documents:

(i) Memorandum of Understanding (MoU) between Eight Ministries (Ministry of Home Affairs, Ministry of Foreign Affairs, Ministry of Justice and Human Rights, Ministry of Health, Ministry of National Education, Ministry of Social Affairs, Ministry of Religion, and Ministry of Women Empowerment and Children Protection) on the Acceleration of Birth Certificate Ownership for Child Protection.

(ii) Memorandum of Understanding (MoU) between Legal Aid Institute for Women Protection (LBH APIK) and the General Attorney Office No. 001/MoU/LBH APIK Jkt/2009 on Training Program of Handling Cases of Violence against Women and Children.

(b) New institutions (and their mandates) or institutional reforms

214. Since the submission of the combined third and fourth periodic report, there is no establishment of new institutions or institutional reforms relevant to the promotion and protection of the rights of the child.

(c) Recently introduced policies, programmes and action plan

215. The following have been introduced since the last periodic report:

(i) National Action Plan on the Elimination of the Worst Forms of Child Labour (2013-2022).

(ii) National Action Plan on the Prevention and Eradication of Trafficking in Person and Sexual Exploitation against Children (2009-2014).

(iii) "Healthy Village Development" Policy.

(iv) National Community Empowerment Program (PNPM).

(v) National Program for Indonesian Children (2006-2015).

(vi) National Action Plan on the Prevention and Eradication of Violence against Children (2010-2014).

(vii) 12 Years Free and Compulsory Education Program.

(d) Recent ratifications of human rights instruments

216. The following have been ratified since the last periodic report:

(i) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

(ii) Optional Protocol to the Convention on the Rights of The Child on the Involvement of Children in Armed Conflict.

(iii) Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

(iv) Convention on the Rights of Persons with Disabilities.

Part III

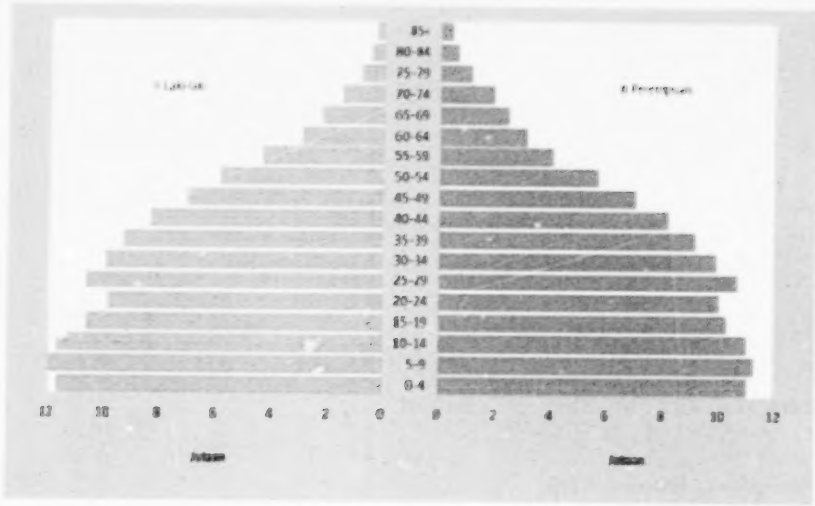
Data, statistics and other information

Table 1
Population of Indonesia 2010
(based on age and sex)

Age	*Male*	*Female*	*Male + Female*
0-4	11.662.369	11.016.333	22.678.702
5-9	11.974.094	11.279.386	23.253.480
10-14	11.662.417	11.008.664	22.671.081
15-19	10.614.306	10.266.428	20.880.734
20-24	9.887.713	10.003.920	19.891.633
25-29	10.631.311	10.679.132	21.310.443
30-34	9.949.357	9.881.328	19.830.685
35-39	9.337.517	9.167.614	18.505.131
40-44	8.322.712	8.202.140	16.524.852
45-49	7.032.740	7.008.242	14.040.982
50-54	5.865.997	5.695.324	11.561.321
55-59	4.400.316	4.048.254	8.448.570
60-64	2.927.191	3.131.570	6.058.761
65-69	2.225.133	2.468.898	4.694.031
70-74	1.531.459	1.924.872	3.456.331
75-79	842.344	1.135.561	1.977.905
80-84	481.462	661.708	1.143.170
85+	282.475	431.039	713.514
Total	**119.630.913**	**118.010.413**	**237.641.326**

Source: Indonesia Population Survey 2010 (Indonesia Statistic).

Figure I
Population Pyramid of Indonesia 2010
(in millions)



Source: Indonesia Population Survey 2010 (Indonesia Statistic).
* Laki-Laki = Male; Perempuan = Female.

Table II
National Budget Based on Function, 2008–2013

		Budget Allocation (Year), in IDR trillions					
No	*Sectors*	*2008*	*2009*	*2010*	*2011*	*2012*	*2013*
01	Civil Services	534,6	417,8	471,6	508,9	647,7	720,1
02	Defense	9,2	13,1	17,1	51,1	61,2	81,8
03	Public Security	7,0	7,8	13,8	21,7	29,1	36,5
04	Economy	50,5	58,8	52,2	87,2	105,6	122,9
05	Environment	5,3	10,7	6,5	8,6	8,8	12,4
06	Housing and Public Facilities	12,4	14,6	20,1	22,9	26,4	30,7
07	Health	14,0	15,7	18,8	14,1	15,2	17,5
08	Tourism and Culture	1,3	1,4	1,4	3,6	2,5	2,5
09	Religion	0,7	0,8	0,9	1,4	3,4	4,1
10	Education	55,3	84,9	90,8	97,9	105,2	118,5
11	Social Protection	3,0	3,1	3,3	3,9	5,1	7,4
XX	Others	-	-	0,9	62,3	0,3	0,0
	Total	**693,4**	**628,8**	**697,4**	**883,7**	**1.010,6**	**1.154,4**

Source: Ministry of Finance of the Republic of Indonesia.